UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS MIDLAND DIVISION

Shawnna Upshaw, : Civil Action No.: 7:19-cv-138

Plaintiff,

v.

Frontline Asset Strategies, LLC,

Defendant.

COMPLAINT

For this Complaint, the Plaintiff, Shawnna Upshaw, by undersigned counsel, states as follows:

JURISDICTION

- 1. This action arises out of the Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA") in their illegal efforts to collect a consumer debt.
 - 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
- 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

- 4. The Plaintiff, Shawnna Upshaw ("Plaintiff"), is an adult individual residing in Midland, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 5. The Defendant, Frontline Asset Strategies, LLC ("Frontline"), is a Minnesota business entity with an address of 2700 Snelling Avenue North, Suite 250, Roseville, Minnesota

55113, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

- 6. The Plaintiff allegedly incurred a financial obligation (the "Debt") to Synchrony Bank (the "Creditor").
- 7. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 8. The Debt was purchased, assigned or transferred to Frontline for collection, or Frontline was employed by the Creditor to collect the Debt.
- 9. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

B. Frontline Engages in Harassment and Abusive Tactics

- 10. On March 6, 2019, Frontline mailed Plaintiff a letter in an attempt to collect the Debt.
 - 11. The letter informed Plaintiff of her right to dispute the Debt within 30 days.
- 12. However, during a telephone conversation on March 15, 2019, Frontline told Plaintiff the Debt was in "pre-legal status" and threatened to sue Plaintiff if the Debt was not paid immediately.
- 13. Threat of legal action overshadowed Plaintiff's right to dispute the Debt within 30 days.

C. Plaintiff Suffered Actual Damages

- 14. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant's unlawful conduct.
- 15. As a direct consequence of the Defendant's acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

COUNT I

VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

- 16. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 17. The Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- 18. The Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive, or misleading representation or means in connection with the collection of a debt.
- 19. The Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect a debt.
- 20. The Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect a debt.
- 21. The Defendants' conduct violated 15 U.S.C. § 1692g(b) in that Defendants overshadowed Plaintiff's right to dispute the Debt.
- 22. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.
 - 23. The Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the

Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendant;

2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)

against the Defendant;

3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.

§ 1692k(a)(3) against the Defendant;

4. Actual damages from the Defendant for the all damages including emotional

distress suffered as a result of the intentional, reckless, and/or negligent

FDCPA violations and intentional, reckless, and/or negligent invasions of

privacy in an amount to be determined at trial for the Plaintiff;

5. Punitive damages; and

6. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: June 13, 2019

Respectfully submitted,

By: __/s/ Sergei Lemberg____

Sergei Lemberg, Attorney-in-Charge Connecticut Bar No. 425027

LEMBERG LAW, L.L.C. 43 Danbury Road, 3rd Floor

Wilton, CT 06897

Telephone: (203) 653-2250 Facsimile: (203) 653-3424

E-mail: slemberg@lemberglaw.com

Attorneys for Plaintiff